

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROLYNE C. JENKINS (daughter of
deceased) for Audrey Jenkins,

Plaintiff,

-against-

VALERIE MARGOLIN; IRWIN L. PITNIK;
LARRY COHEN; HERB COHEN,

Defendants.

21-CV-5108 (LTS)

ORDER

LAURA TAYLOR SWAIN, United States District Judge:

Plaintiff brought this action *pro se*, alleging that Defendants violated the rights of her deceased mother in connection with real property her mother owned in Westchester County, New York. By order dated June 15, 2021, the Court notified Plaintiff that: (1) as a non-attorney, she could not represent her mother's rights; (2) she could appear *pro se* on behalf of her mother's estate only if she was appointed administrator of the estate and it has no other beneficiaries or creditors; and (3) the complaint did not establish any basis for the exercise of subject matter jurisdiction in federal court. The Court therefore directed Plaintiff to show cause, by filing a written declaration within 30 days, why the action should not be dismissed for lack of subject matter jurisdiction, without prejudice to Plaintiff's pursuing her complaint in an appropriate forum. (ECF 5.)

Plaintiff had consented to electronic service of documents in this action (ECF 3), and the order was therefore transmitted to her email address of record. Plaintiff failed to respond to the Court's order, and on July 22, 2021, the Court dismissed the action and entered judgment. (ECF 6-7.)

On or about September 30, 2021, Plaintiff contacted the Court to ascertain the status of her complaint. The Clerk determined at that time that Plaintiff's email address was not entered correctly on the docket, and she therefore did not receive the Court's orders.

Accordingly, the Court directs the Clerk of Court to correct Plaintiff's email address on the docket and resend electronic notices of the Court's orders (ECF 5-7) to Plaintiff.

The Court directs Plaintiff to file a declaration as set forth in the Court's June 15, 2021 order, within 30 days, showing cause why the Court has subject matter jurisdiction of this action. A declaration form is attached to this order. If Plaintiff submits a written declaration in an effort to show that the Court can exercise subject matter jurisdiction of this action, Plaintiff must also include information about whether she has been appointed administrator or personal representative of her mother's estate, and whether the estate has other beneficiaries or creditors.

CONCLUSION

The Court directs the Clerk of Court to: (1) correct the docket to reflect that Plaintiff's email address is prettygirl347168@aol.com (not prettygirl1347168@aol.com); and (2) resend electronic notices of the Court's orders (ECF 5-7) to Plaintiff.

The Court directs Plaintiff to file a declaration as set forth in the Court's June 15, 2021 order, within 30 days, showing cause why the Court has subject matter jurisdiction of this action. Plaintiff's declaration, if any, should be submitted to the Pro Se Intake Unit within 30 days and should bear the docket number 21-CV-5108 (LTS). A declaration form is attached to this order.

If Plaintiff submits a declaration showing that the Court has subject matter jurisdiction of this action, the Court will reopen this matter. If Plaintiff fails to submit a declaration within 30 days, or if the declaration does not show that the Court has subject matter jurisdiction of this action, the action will remain closed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: September 30, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Write the first and last name of each plaintiff or
petitioner.

Case No. _____ CV _____

-against-

Write the first and last name of each defendant or
respondent.

DECLARATION

Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's Motion for Summary Judgment," or "in Response to Order to Show Cause."

I, _____, declare under penalty of perjury that the
following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

Executed on (date)	Signature		
Name	Prison Identification # (if incarcerated)		
Address	City	State	Zip Code
Telephone Number (if available)	E-mail Address (if available)		